

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MUCHMORE'S CAFE, LLC.

Civil Action No. 14-cv-5668 RRM-RER

Plaintiff,

-against-

**AFFIDAVIT OF
TODD SEAVEY**

CITY OF NEW YORK,

Defendant.
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TODD SEAVEY, being duly sworn, deposes and states the following:

1. I am not a party to this action. I am a political speech writer, a ghost writer of books, a freelance writer of articles for political periodicals such as National Review and Reason, a former producer for Fox News, a former editor of the American Council on Science and Health, a blogger, and a political commentator and an event organizer, residing in the borough of Manhattan.

2. I submit this Affidavit in support of the application of Muchmore's Cafe, LLC ("Muchmore's") for a judgment declaring the New York City Cabaret Law to be unconstitutional.

3. From mid 2012 to late 2013, I organized a monthly debate and lecture series at Muchmore's called Dionysium. These events were free and open to the public, and a majority of them concerned political topics.


5. For example, In January of 2013, we hosted a Dionysium debate at Muchmore's concerning the role of the judiciary in a democracy. The participants were generally conservative or libertarian leaning, and while the crowd was divided fairly evenly at the pre-debate vote, there was a near consensus at the post-debate vote that in a republican form of government which prizes individual liberty, the courts have a sacred responsibility to strike down truly arbitrary abuses of legislative power, particularly when legislation is motivated by animosity toward a politically weak or unpopular group. I believe the Cabaret Law represents exactly such a law, and that its arbitrary nature can only be explained through the historical prejudices that predominated at the time of its passage.

6. The focus of other Dionysium debates, panels and lectures at Muchmore's have included: (a) political repression in North Korea, (b) soft paternalism under Mayor Bloomberg, (c) the ethics of meat consumption, (d) United States immigration policy, (e) the viability of digital currencies, (f) over-medication in psychiatric medicine, (g) gay marriage, (h) the "fiscal cliff", (i) use of unmanned drones in warfare, (j) an Occupy Wall Street / Tea Party "Summit", (k) socialist themes in 1930's folk music, and (l) the presidential candidacy of Ron Paul in 2012.

7. I understand that under the text of the Cabaret Law, a cabaret is, "Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business..." Dionysium was conducted at Muchmore's in connection with its restaurant business, and I like to think that the participants found it amusing or they would not have participated in it.

8. I believe that the Cabaret Law's wide ranging restrictions on free expression represent a violation of the First Amendment rights of myself and other performers and event organizers at Muchmore's. However, given how costly it can be to litigate and the relatively small financial impact on each of the millions of people that are adversely impacted, I am not surprised that others, like myself, could not afford to bring an action to challenge its constitutionality.

9. I fully support Muchmore's efforts to challenge this law, and feel that Muchmore's is doing a good job of representing the collective interest of those that organize event and perform there and at similar venues. If the Court finds that Muchmore's cannot assert the First Amendment rights of people such as me that perform on its premises, I am open to the being added as a plaintiff.


Todd Seavey

Sworn to before me this
13 day of May 2015


Notary Public

